

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7647

Petition of Penn Energy Trust, LLC, for a Certificate of)
Public Good, pursuant to 30 V.S.A. § 248, authorizing the)
installation and operation of a 2.2 MW solar electric)
generation facility located at the southeast corner of the)
intersection of Route 103 and Route 7 in Clarendon,)
Vermont)

Order entered: 7/8/2011

SCHEDULING ORDER AND
RULING ON MOTION TO INTERVENE

On May 3, 2010, Penn Energy Trust, LLC ("Penn Energy"), filed a petition with the Public Service Board requesting a certificate of public good ("CPG") under 30 V.S.A. § 248 to install and operate a 2.2 MW solar electric generation facility located at the southeast corner of the intersection of Route 103 and Route 7 in Clarendon, Vermont.

On August 27, 2010, I held a prehearing conference in this Docket. At the prehearing conference, Penn Energy stated that it did not want to schedule formal proceedings at the time and that it would work with State agencies and adjoining landowners in an informal process. In addition, Penn Energy stated that it was third on the standard-offer program's waiting list and anticipated securing a standard-offer contract.¹ On September 2, 2010, I issued a Prehearing Conference and Scheduling Order, which allowed the parties to forgo the adoption of a formal schedule and, instead, file a joint status report on or before November 15, 2010.

On December 3, 2010, Penn Energy filed a status report, which was previously circulated to the parties, with the Board. The status report stated that Penn Energy was still on the waiting list for the solar standard-offer queue and requested that Penn Energy's petition continue to

1. For more information about the standard-offer program, visit the VermontSPEED website at <http://vermontspeed.com>.

remain "on hold" until the earlier of May 30, 2011, the date the Board will revisit the technology caps, or until . . . [Penn Energy] receives a standard-offer contract." All the parties consented to Penn Energy's request. On December 14, 2010, the Clerk of the Board issued a memorandum granting Penn Energy's request to allow its petition to remain "on hold" until May 30, 2011, at which time Penn Energy and the parties were requested to file an updated joint status report.

On June 8, 2011, Penn Energy sent an email to the Clerk of the Board stating that Penn Energy received a standard-offer contract on May 30, 2011, and wished to continue pursuing its petition for a CPG.

On June 30, 2011, I held a telephone conference with the parties to discuss adopting a formal schedule for this Docket. During the telephone conference, the parties developed the following schedule, which I adopt:

July 26, 2011	Site Visit and Public Hearing
August 2, 2011	Deadline for Motions to Intervene
August 9, 2011	Responses to Motions to Intervene ²
August 9, 2011	Initial Discovery Served on Penn Energy
August 23, 2011	Responses to Initial Discovery
August 30, 2011	Second Round Discovery Served on Penn Energy (if any)
September 6, 2011	Responses to Second Round Discovery
September 27, 2011	Parties File Stipulation, if any, OR Penn Energy Files a Status Report with a proposed or stipulated schedule for the remainder of the proceeding.
October 13, 2011	Tentative Technical Hearing (if stipulation is filed)

2. If intervention motions are filed prior to the August 9 Deadline for Motions to Intervene, the parties shall have seven calendar days to file a response to any such motions.

During the telephone conference, Penn Energy also stated that it would be filing additional information to support its petition regarding the overall project description and several Section 248 criteria.

MOTION TO INTERVENE

The Vermont Agency of Agriculture, Food and Markets ("AAFM") filed a motion to intervene in this Docket on June 28, 2011. AAFM seeks to participate in this Docket with regard to 30 V.S.A. § 248(b)(4) concerning the impact the project may have upon the economic viability of Vermont's agricultural economy and 30 V.S.A. § 248(b)(5) concerning the potential of the primary agricultural soils located at the project site. AAFM states that it has statutory interests in, and particularized knowledge and experience with, the identification and assessment of primary agricultural soils and with assessment of the economic viability of Vermont's agricultural economy.

If no objection is filed by July 20, 2011, AAFM shall be, and hereby is, granted permissive intervention pursuant to Board Rule 2.209(B), limited to the interests that it has identified in its motion. If an objection is filed, I will address AAFM's intervention in a subsequent order.

So ORDERED.

Dated at Montpelier, Vermont, this 8th day of July, 2011.

s/Bridgette Remington
Bridgette Remington, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: July 8, 2011

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)